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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DAVID RECINOS; ELSA PERALTA,

Plaintiffs,

v.

MOREEQUITY, INC., et al.,

Defendants.

2:12-CV-826 JCM (GWF)

Bankruptcy Case No. 09-28799-MKN

ORDER

Presently before the court is *pro se* appellants' David Recinos and Elsa Peralta's motion to reconsider. (Doc. #22). Appellee MorEquity, Inc. filed an opposition (doc. #24), to which appellants filed a reply (doc. #25).

On June 28, 2012, this court dismissed appellants' bankruptcy appeal because appellants failed to file excerpts of record with their opening brief. (Doc. #21). The court noted that appellants attempted to cure this deficiency by filing an amended appendix and excerpts of record which totaled more than 550 pages. However, the court found that appellants' opening brief did not cite to any of these late-filed materials and that the record before the court was "insufficient to present an adequate basis for review by this court." (Doc. #21).

Appellants now move the court to reconsider its order dismissing the appeal. (Doc. #22). Appellants assert that at the time their opening brief and excerpts of record were due, they were financially unable to retain counsel. However, they assert that they have now consulted with counsel and will retain counsel on or before August 1, 2012. (Doc. #22). Thus, appellants argue that this

1 is sufficient grounds to reconsider the court's prior order.

2 Appellants have not presented the court with adequate grounds for reconsideration of its
3 previous order. Appellants have not demonstrated that there is any new evidence, that this court
4 committed clear error, or that there has been a change in the law. Instead, appellants simply assert
5 that they were formerly litigating this appeal *pro se*, and that they now intend to retain counsel.
6 However, even if appellants retained counsel at this point in the appeal, their opening brief would
7 still lack any citation to their late-filed excerpts of record.

8 Therefore, the court still does not have a sufficient record to present an adequate basis for
9 review, and reconsideration is not appropriate. See *In re Clinton*, 449 B.R. 79, 82 (9th Cir. BAP
10 2011) (stating “[p]ro se litigants are not excused from complying with [bankruptcy] rules”); *In re*
11 *O’Brien*, 312 F.3d 1135, 1137 (9th Cir. 2002) (holding that “the failure to present a sufficient record
12 can itself serve as a basis for summary affirmance . . . or for a dismissal of the appeal”).

13 Accordingly,

14 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that *pro se* appellants’ David
15 Recinos and Elsa Peralta’s motion to reconsider (doc. #22) be, and the same hereby is, DENIED.

16 DATED August 6, 2012.

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19 **UNITED STATES DISTRICT JUDGE**